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# CLOAK

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# AND DAGGER CONTROL

## One committee or two?



**M**y concern about Congress's current intelligence oversight arrangement was heightened by the furor last year over the mining of the Nicaraguan harbors.

Whether one supported this action or not, that episode illustrates a problem of overwhelming importance. Specifically, one must ask how capable Congress is of practicing responsible oversight of intelligence activities once those activities are viewed as an integral part of a foreign policy that has become controversial and the subject of partisan debate.

After Vietnam and Watergate, both houses of Congress decided to establish select committees on intelligence following extensive investigations of United States intelligence activities by panels headed by then-Rep. Otis Pike and late Sen. Frank Church. Early on, both of these committees appeared to conduct their business in an amicable and bipartisan manner with little evidence of politicization. Unfortunately, such a turn of events was too good to last, and in recent years congressional oversight has become increasingly politicized.

As we all know, the calculated, politically motivated leaking of highly sensitive information has become a Washington art form, and one that is not confined to Congress alone. A number of unauthorized revelations have come from various places in the executive branch as well.

With respect to the question of

mining Nicaraguan harbors, leaks to the press caused a number of senators, who knew about the mining activities when they voted for additional assistance for the Nicaraguan resistance forces, to turn around a few days later and disingenuously condemn the mining by voting for a resolution prohibiting it. Such election-year pirouetting called into question the integrity of the oversight process and jeopardized the president's Central American aid program.

It appears the only way to mount a successful covert operation these days is for such an activity to have the nearly unanimous support of both intelligence committees and the involved agencies of the intelligence community. Anything short of that is doomed to failure, as opponents can selectively leak material to their acquaintances in the media with the expressed purpose of torpedoing the operation. Moreover, you can count on a flurry of these leaks just before anticipated congressional action on the issue in dispute.

What is especially disturbing is that those who are doing the leaking probably have never stopped to think what the short- and long-term implications of their revelations will be with respect to U.S. intelligence efforts, let alone to U.S. foreign policy. They are so preoccupied with scoring political points that they do not begin to realize how their actions may impact on the lives of United States intelligence and foreign service personnel overseas.

One of the cardinal rules of intelligence is that one does not confirm the accuracy of news accounts regarding sensitive intelligence operations. Yet, we saw in the wake of the initial press disclosures regarding the mining the then-chairman of the House Permanent Select Committee on Intelligence do just that during a public appearance before the House Rules Committee, and subsequently on the House floor.

Ultimately, in a move that must have left foreign intelligence services incredulous, the CIA felt obliged to issue a press release that for the first time implicitly and publicly acknowledged its involvement in the mining by citing 11 occasions when it briefed congressional intelligence committees on the matter.

Meanwhile, the chairman of the Senate intelligence committee at the time was Sen. Barry Goldwater, who excoriated the CIA for not being forthcoming. Shortly thereafter, the committee's then vice-chairman, Sen. Daniel Patrick Moynihan, announced his resignation from the committee, claiming that he was not properly briefed on the mining matter, either. CIA director William Casey (in a triumph of discretion

over valor) apologized to the Senate Intelligence Committee for his perceived sins, and Mr. Moynihan decided to remain on the committee. The upshot of this bizarre scenario was a serious deterioration in relations between the CIA and Congress with a consequent loss of trust — the most vital ingredient in the oversight process.

All of this, of course, makes a mockery of the oversight system and produced what must be the most overt covert program in intelligence annals. If what is at stake here were not so important, we could pause and have a good laugh at ourselves. Unfortunately, that is not the case. Our allies, as well as painstakingly developed intelligence contacts around the world, have taken note of our sorry performance.

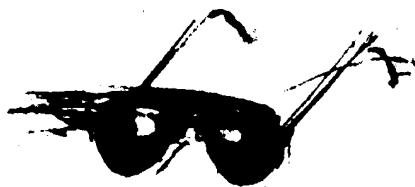
We cannot afford to allow what presently masquerades as congressional intelligence oversight to continue any longer. With politics intruding so heavily on the process, more debacles are inevitable. While nothing equaling the sensationalism

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of the mining disclosures has occurred since, I am personally aware, as a new member of the House intelligence committee, of subsequent leaks that damaged United States intelligence interests in Asia, the Middle East, and Central America. Overriding security concerns preclude

me from elaborating any further.

It is certainly time, therefore, for a major overhaul. Serious thought must be given to merging the existing intelligence committees into a joint committee composed equally of Republicans and Democrats who, in addition to the requisite trustworthiness, competence, and responsibility, also possess the rare restraint to subordinate political considerations to the national interest. Such a committee would have full and exclusive legislative author-



ity over all intelligence matters and be staffed by a small cadre of apolitical professionals with the same exemplary personal qualities as the committee's members.

To be sure, there is opposition to this radical surgery approach, but given the national security ramifications, we have no alternative. Intelligence collection and the conduct of espionage are *uniquely different* and extremely sensitive activities requiring the utmost secrecy. As I see it, the singular nature of these activities dictates a specially structured and very protective legislative oversight process, not one that mimics ordinary congressional pro-

cedure. To those critics who cannot envision senators and congressmen working well together, it should be recalled that since World War II, there have been a number of distinguished joint committees, including the Joint Committee on Atomic Energy, which exercised oversight and budget authorization powers for years, the Joint Economic Committee, and the Joint Committee on Taxation.

Creating a new joint oversight panel along the lines I have suggested would diminish the possibilities for partisan posturing and significantly reduce the number of individuals having access to sensitive information. This would not only minimize the risk of damaging unauthorized disclosures, but it would also substantially increase the likelihood of the Federal Bureau of Investigation and the Justice Department identifying leak sources — something that rarely occurs now because of the large number of individuals in the "intelligence information loop."

A joint committee would also retain in a more effective and concentrated manner the essentials of congressional oversight over the activities of our intelligence agencies and eliminate the possibility of executive branch intelligence components playing one committee off against the other. Furthermore, it would greatly simplify the problems of handling and stor-

ing the classified data that the two intelligence committees now regularly receive from the intelligence community.

There are some other practical problems resulting from two committees overseeing the intelligence community that would be resolved by a joint committee. As we have learned, the two committees often reflect different perspectives, and they frequently do not focus on the same matters. Moreover, there is not enough interaction or coordination on the issues, contrary to what most of us had assumed.

It is also worth noting that Congress has increasingly insisted upon being briefed and consulted by the executive branch concerning national security and foreign policy questions. A large percentage of these briefings are intelligence-related and require the involvement of high-level executive branch officials who are often hard-pressed to meet the demands of both the House and Senate intelligence committees. This is particularly true during fast-breaking crisis situations. A consolidated oversight panel would provide one point of contact for consultation and briefings in those instances when time is of the essence.

A joint intelligence committee would not only help eliminate the problems just cited, but it would also encourage bipartisan cooperation, and thus ensure a more effective congressional oversight arrangement.

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